

REMARKS

Claims 6, 8, and 9-11 are currently pending in this application. Claims 6, 10 and 11 are amended. Claim 9 is cancelled. No new matter is presented. The foregoing amendments and following remarks are considered by Applicant to overcome each rejection raised in the Office Action and to place the application in condition for allowance. Accordingly, Applicant requests consideration of claims 6, 8, 10, and 11.

Claims 6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima (Japanese Patent – 62-21114) in view of Berry (U.S. Patent No. 5,835,289) and Moore (U.S. Patent No. 4,720,804). The Examiner takes the position that the combination of the cited references teaches or suggests all the elements recited in claims 6, 8, 10, and 11. Applicants respectfully disagree.

Kojima is directed to a device that measures and records data without moving the eye from a microscope by providing a display means which displays data in the visual field of a microscope means, a data input means which supplies display data to the display means, and a data recording means which stores the display data.

Moore is directed to a computer controlled image forming apparatus for making quantitative evaluations relating to an image of a subject which is programmed to control a plurality of associated electrically addressable indicia the images of which are viewable superimposed upon the image of the subject. The device is usable for measuring distances, areas, angles, curves, and is controllable by an operator who, by means of first signals input into the computer, selectively addresses particular member of the plurality of indicia by means of second signals output by the computer and conditioned by circuitry in a manner of quantitatively relate the addressed indicia to the image of the subject. Subsequently, the computer interprets the finally addressed indicia in terms of a physical parameter exhibited by the image of the subject for which the computer has been programmed and outputs results of the computations in the form of third signals or display to the operator.

Berry is directed to a lens attachment for an optical device that is removably positioned between an eyepiece and an objective lens. The auxiliary attachment includes a cylindrical prescription lens which corrects astigmatism. The auxiliary lens attachment is rotated with the eyepiece relative to the objective lens for positioning the auxiliary attachment at a precise rotational position relative to the objection lens for correction of the astigmatism.

It is respectfully submitted that the combination of Kojima, Moore and Berry fail to teach or suggest all the features recited in amended claims 6, 10, and 11. It is submitted that

the cited references fail to teach or suggest wherein the information for the observer is perceptible in the eyepiece outside the image field area reserved for observation of the specimen.

The Examiner states that Kojima as modified discloses that the information of the observer is perceptible in the eyepiece outside the image field area reserved for observation of the specimen. The Examiner cites that Figures 1-10 and Columns 5, Lines 19-68, Column 6, Lines 1-50, Column 7 Lines 22-68, Column 8 and 9 Lines 1-57 of Moore discloses the feature recited in amended claims 6, 10, and 11. Applicants respectfully disagree.

Although Moore discloses the viewing of a sample through the eyepiece whereby the image view can be controlled through a computer, Moore does not provide an area within the eyepiece whereby a viewer can view both the image and information regarding the image within the same eyepiece.

Moore discloses means that are provided for superimposing indicia into the image path for simultaneous viewing with the specimen. However, Moore does teach or suggest providing a separate area whereby information can be viewed through the eyepiece, whereby the separate area is not in the field of view. Moore only discloses the viewing of the image in the field of view whereby. It is submitted that Moore does not teach or suggest the feature having information for the observer being perceptible in the eyepiece outside the image field area reserved for observation of the specimen. Since neither Kojima nor Berry disclose this feature, it is further submitted that the combination of the cited references fail to teach or suggest all the features recited in claims 6, 10, and 11. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 6, 10, and 11 under 35 U.S.C. 103(a).

Claim 8 is dependent upon claim 6, therefore, it is submitted that claim 8 for at least the reasons mentioned above recites subject matter that is neither taught nor suggested by the cited references. As a result, Applicants request the withdrawal of the rejection of claim 8 under 35 U.S.C. 103(a).

Claims 6 and 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kojima in view of Brock (U.S. Patent No. 5,757,542) and Moore. In view of the amendment to claim 6, Applicants respectfully traverse the rejection of claims 6, 8, 10, and 11.

As mentioned above, it is submitted that Moore does not teach or suggest information for the observer is perceptible in the eyepiece outside the image field area reserved for observation of the specimen. Since neither Kojima nor Brock teach this feature, it is submitted that the combination of the cited references fail to disclose the claimed invention as

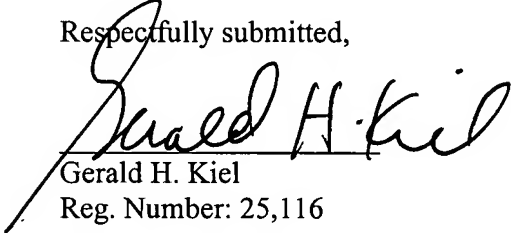
recited in claims 6, 8, 10, and 11. Therefore, Applicants respectfully request the withdrawal of the rejection of claims 6, 8, 10, and 11.

In view of the above amendments and remarks, it is respectfully submitted that the claims now clearly recite the patentable features of the present invention. Claim 6 is amended. No new matter is presented. Accordingly, reconsideration and withdrawal of the outstanding rejections and an issuance of a Notice of Allowance is respectfully requested.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite the prosecution of this application, the Examiner is urged to contact him at the number indicated below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald H. Kiel", is written over a horizontal line.

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